

1        **A REAFFIRMED RESOLUTION OF THE CARRINGTON BOARD OF DIRECTORS**

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4                    **CARRINGTON BOARD OF DIRECTORS**

5                                **BOARD POLICY ON EMERGENCY POWERS**

6    **#1-04.04.2020**

7    **Emergency powers of the Board**

8        **WHEREAS** Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can  
9        spread among humans through respiratory transmission and presents with symptoms like those of  
10       influenza; and

11       **WHEREAS**, as of March 23, 2020, numerous counties in Florida have positive cases for COVID-19 and  
12       COVID-19 possess a risk to the entire State of Florida; and

13       **WHEREAS**, the Governor issued Executive Order 20-52 on March 9, 2020, pursuant to the authority  
14       vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management  
15       Act, s.2532.31, Florida Statutes, *et al*, as amended, and all other applicable laws, and declared a state of  
16       emergency for the State of Florida; and

17       **WHEREAS**, the Governor, in Executive Order Number 20-5, authorized each State agency to suspend the  
18       provisions of any regulatory statute of that agency, if strict compliance with that statute would in any  
19       way prevent, hinder, or delay necessary action in coping with this emergency;

20       **NOW, THEREFORE, IT IS RESOLVED:** The secretary of Florida's Department of Business and Professional  
21       Regulation, pursuant to the authority granted Executive Order No. 20-52, find the timely execution of  
22       the mitigation, response, and recovery aspects of the State's emergency management plan, as it related  
23       COVID-19, is negatively impacted by the application of certain regulatory statutes related to the  
24       Department of Business and Professional Regulation and has determined the following.

- 25                    1. The limitation within section 718.1265(l), Florida Statutes, of the emergency powers of a  
26                    condominium association during a declared state of emergency being conditioned upon  
27                    a "response to damage caused by an event" is hereby suspended. The emergency power  
28                    available to condominium associations' board of administration, as described in section  
29                    718.1265(l)(a)-(j), Florida Statutes, are hereby available to help protect the health,  
30                    safety, and welfare of the association, unity owners, unity owners' family members,  
31                    tenants, guest, agents or invitee.
- 32                    2. The limitation within section 720.316(1), of the emergency powers of a board of  
33                    directors during a declared state of emergency being conditioned upon a "response to  
34                    damage caused by an event" is hereby suspended. The emergency powers available to  
35                    boards of directors, as described in section 720.316(1)(a)-(h), Florida Statutes, are hereby

- 36 available to help protect the health, safety, and welfare of the association, parcel  
37 owners, parcel owners' family member, tenants, guests, agents, or invitees.  
38 3. The timing requirements for condominium associations' financial reports in section  
39 718.104(4), Florida Statutes, are hereby suspended and tolled.

40 The Emergency Powers Statute 718.126(1)(g) states that based upon advice of emergency management  
41 official or upon advice of licensed professional retained by the board, determine any portion of the  
42 condominium property unavailable for entry or occupancy by unit owners, family member, tenant,  
43 guests, agents, or invitees to protect the health, safety, or welfare of such persons may elect to take the  
44 following actions. They are but limited to:

- 45 • Cancelling/indefinitely postponing membership and Board meetings or enabling a  
46 system where all participants and legally entitled observers can do so remotely.
- 47 • Closing all non-essential facilities on the Condominium Property including  
48 recreational and social facilities.
- 49 • Restricting or banning entry of non-essential Association and unit owner  
50 contractors/vendors. This may result in breach of contract claims.
- 51 • Cancelled/indefinitely postponing Open Houses. One on one appointments may be  
52 appropriate.
- 53 • Implementing required procedures that the Board may deem appropriate for use of  
54 essential Condominium Property including but not limited to.
  - 55 ○ Heightened sanitary protocol, increase the frequency of cleaning of the  
56 shared spaces and Common Elements, (i.e. cleaning and disinfecting high-  
57 traffic surfaces like door handles).
  - 58 ○ Social distancing to be observed in confined spaces.
- 59 • Conduct board meetings and membership meeting with notice given as is  
60 practicable.
- 61 • Cancel and reschedule any association meeting.
- 62 • Name as assistant officers' persons who not directors, which assistant officers shall  
63 have the same authority as the executive officers to whom they are assistants  
64 during the state of emergency, to accommodate the incapacity or unavailability of  
65 any officer of the association.
- 66 • Implement a disaster plan.
- 67 • Based upon advice of emergency management officials or upon the advice of  
68 licensed professional retained by the board, determine whether the condominium  
69 property can be safely inhabited or occupied.
- 70 • The special powers authorized shall be limited to that time reasonably necessary to  
71 protect the health, safety, and welfare of the association and the unit owners and  
72 the unit owners' family member, tenants, guest, agents, or invitees and shall be  
73 reasonable necessary to mitigate further damage and make emergency repairs.

74 Any portion of the Associations Declaration that is inconsistent with these emergency powers are held in  
75 abeyance until the Emergency Powers are concluded.

77 Adopted this \_\_\_\_\_, 2020

78 Board of Directors

79 President, J. Broncato

Vice President, Mike Weignesberg Secretary, Mary Beth Prox

80 Treasurer, Keith Brown

Member, Cathy Allen

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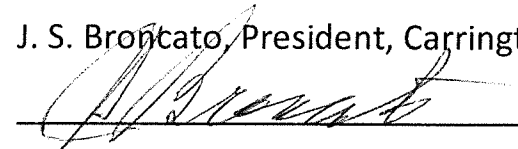
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83 **REAFFIRMED ADOPTION** by the Carrington Board of Directors the 09th Day of

84 November 2020

85 J. S. Broncato, President, Carrington at Stonebridge

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87 Date: November 09, 2020

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